

REMARKS

The Office Action has been reviewed in detail, along with the prior art cited and applied against the pending claims. In review, selected claims have been amended to address the prior art and non-art rejections. Reexamination and reconsideration are respectfully requested.

The non-final rejection of the claims relies on U.S. Patent No. 1,377,009 – Dunn (“Dunn”) and U.S. patent No. 4,887,744 – Williams (“Williams”). All of the pending claims are deemed anticipated on the basis of either Dunn or Williams. Further, claim 4 was deemed to be indefinite since there was insufficient antecedent basis for the limitation “dispensing head” in line 2. The Examiner will note that claim 4 has been amended to delete the term “head” and insert --assembly-. Claim 4 is now believed to be definite and the Examiner’s assistance is appreciated.

With regard to the art rejections, the Dunn patent teaches a cup 25 on which ball 26 is seated. The stem 23 is not movable as expressly required in claim 1. For at least this reason claim 1 defines over Dunn. Further, the cup 25 seals with the ball to preclude fluid flow through the internal passage. Such is not the case in the present application. In Williams, chamber 94 is provided within plunger 70 and communicates through circumferential openings 96. There is no contour of an end of the stem with the valve, i.e., ball member, that allows the first end of the stem to engage the valve in a non-sealing manner such that fluid can flow through the stem passage. This is now brought out in greater detail in amended claim 1. Accordingly, that claim and claims dependent therefrom define over any fair teaching of Dunn, Williams, or any of the remaining art of record.

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. Early notice to that effect is solicited.

Respectfully submitted,

FAY SHARPE LLP

Timothy E. Nauman
Timothy E. Nauman
Reg. No. 32,283
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115
Telephone (216) 363-9000
Facsimile (216) 363-9001